IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

Writ Petition No. 8155 of 2005

Pune Municipal Transport ..Petitioner

vs.

PMT Kamgar Sangh (Intuc) and another ..Respondents

Shri R.G.Ketkar for petitioner.

CORAM: S.B.MHASE J.
8th August,2006

P.C.

1. Heard the learned Counsel for the petitioner.

2. Tea allowance was admittedly being given to the workers. Change notice under sec.9 of I.D.Act was given by the petitioner. It was opposed by the workers/respondents. In that circumstances the matter should have proceeded for conciliation and on failure of conciliation if necessary a reference could have been made. Instead of that the petitioner has unilaterally withdrawn the said facility which is one of the service conditions. Such act on the part of the employer is contrary to the statutory procedure and thereby it is unfair labour practice as has been held by Apex Court in the matter of S.G.Chemicals and Dyes Trading Employees' Union Vs. S.C.Chemicals and Dyes Trading Limited and another reported in (1986)2 SCC 624 and, therefore, the Industrial Court has rightly held that it is unfair labour practice

under item 9 of MRTU and PULP Act. No interference is called for. Petition is dismissed.

(S.B.MHASE J.)